



## **COMMUNITY DEVELOPMENT DEPARTMENT**

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**17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236**  
**Website Address: [www.morgan-hill.ca.gov](http://www.morgan-hill.ca.gov)**

### **PLANNING COMMISSION MEETING MINUTES**

#### **REGULAR MEETING**

**NOVEMBER 9, 2010**

**PRESENT:** Mueller, Moniz, Tanda, Koepp-Baker, Benich

**ABSENT:** None.

**LATE:** None

**STAFF:** Planning Manager (PM) Rowe, Senior Planner (SP) Linder, Senior Planner (SP) Tolentino, Acting Public Works Director (APWD) Karl Bjarke and Development Services Technician (DST) Bassett

Chair Mueller called the meeting to order at 7:00 p.m., inviting all present to join in reciting the pledge of allegiance to the U.S. flag.

#### **DECLARATION OF POSTING OF AGENDA**

Development Services Technician Bassett certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Chair Mueller opened the floor to public comment for matters not appearing on the agenda.

Mayor Steve Tate appeared and announced that Commissioner Bob Escobar resigned, effectively immediately. He stated to the commissioners that his job is to appoint new commissioners and that the input of the commissioners is extremely valuable in that process.

Marni Moseley, a Morgan Hill resident, appeared to state that the changeable copy signs being placed for local events on Highway 101 between Cochrane Rd and E. Dunne Ave are causing traffic congestion problems.

Tanda: Caltrans, District 4, would be the ones to contact. We have limited authority.

Mueller then closed the floor to public comment.

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## **MINUTES:**

**October 12, 2010**      **COMMISSIONERS KOEPP-BAKER AND TANDA MOTIONED TO APPROVE THE OCTOBER 12, 2010 MINUTES WITH THE FOLLOWING REVISIONS:**

Page 5, Paragraphs 17, 18: Moniz: When will the market study that you mentioned be forthcoming?

Current: Probably in about two weeks.

**Page 6, Paragraph 1, 2: Moniz: Will it be public information?**

**Current: Yes.**

**THE MOTION PASSED (5-0-0-1) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

## **PUBLIC** **HEARINGS:**

1) **DEVELOPMENT** A request to amend the development agreement for the Mission Ranch project to incorporate the current BMR Reduction program extension recently approved by the City Council. Also requested is a modification to the project master plan to incorporate units that are wheel chair accessible. (APNs 728-32-001, 002, 003 & 728-33-01)  
**APPROVAL**  
**AMENDMENT:**  
**DAA-05-01F:**  
**COCHRANE-**  
**MISSION**  
**RANCH:**

Linder presented her staff report and asked that this item be tabled to give staff time to implement new RDCS scoring criteria for older projects.

Mueller opened the floor to public comment.

Dick Oliver appeared on behalf of Dividend Homes. We are getting ready to file the final map and submit building permits this week. We have some clients that would like the handicap accessible option now and so we are asking that the meeting be heard before the end of the year.

Mueller closed the floor to public hearing.

Item No. 1 was suspended until after hearing Agenda Item No. 7.

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## **ORDERS OF THE DAY**

Agenda Item 7 was brought forward.

### **7) POSSIBLE MEETING IN NOVEMBER:**

Possible special meeting in November to discuss Conditional Use Permit Amendment for Barrett-Colson & Colson (Senior Congregate Care Retirement Residence)

Tolentino presented her staff report and stated that the original operator is no longer involved with the project. A new operator has been found, but the new party is relying on tax credits. They need to have their Use Permit in place before the end of the year to apply for those tax credits. In order to be able to accommodate the request for a Use Permit before December, applicant is asking for a special Planning Commission meeting on November 30, 2010.

Mueller opened and closed the floor to public comment.

### **COMMISSIONERS UNANIMOUSLY AGREED TO A SPECIAL MEETING TO BE HELD NOVEMBER 30, 2010**

Mueller reopened the public hearing on Agenda Item No. 1.

### **COMMISSIONERS KOEPP-BAKER AND BENICH MOTIONED FOR AGENDA ITEM 1 TO BE MOVED TO THE SPECIAL PLANNING COMMISSION MEETING TO BE HELD ON NOVEMBER 30, 2010.**

**THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE:  
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

### **2) DEVELOPMENT AGREEMENT AMENDMENT APPLICATIONS A) DAA-05-02F: COCHRANE- LUPINE; B) DAA-03-09C: NATIVE DANCER- QUAIL MEADOWS; C) DAA-05-13E: JARVIS – SOUTH VALLEY DEVELOPERS:**

Requests to amend the Development Agreement for three on-going projects to extend development schedule deadlines; incorporate the BMR Reduction Program extension recently approved by the City Council; re-incorporate the Development Schedule; modify Paragraph 18 allowing a more streamlined process for future amendment requests; and incorporate additional allotments awarded in February 2010 as on-going RDCS projects.

Tolentino presented her staff report.

Benich: Regarding the Alicante project, have there been any meetings with the city and the school district to resolve the issue of the school and the park?

Tolentino: Yes, but they have to meet the three criteria of 1) funding, 2) need, and 3) state approval. Right now those criteria haven't been met. But the school has had discussions with the city.

Mueller opened the floor to public comment.

Scott Schilling of South Valley Developers appeared on behalf of the Quail Meadows project and Madrone Plaza.

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Schilling: We have had some interest in the lots lately. We are requesting additional time on the Quail Meadows project and hoping for the market to improve in order to get the last two lots sold. The lots meet commencement of construction, except for submitting for permits. Regarding the Madrone Plaza project, we were hoping to begin the next phase of construction, but we have lost our funding, which brought an immediate halt to the project. We are working with the bank and the property will be sold to a new builder. It is a joint project with South County Housing. They are starting construction again. We need more time to market the project and get it sold.

Dick Oliver appeared to answer questions on the Alicante project.

Mueller closed the public hearing.

**COMMISSIONERS MONIZ AND KOEPP-BAKERMOTIONED TO APPROVE THE RESOLUTION FOR ALICANTE ESTATES WITH VERIFICATION THE BMR REDUCTION PROGRAM DATES IN PARAGRAPH 14 ARE CONSISTENT WITH THE EXTENSION APPROVED BY THE CITY COUNCIL.**

**THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE:  
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**COMMISSIONERS MONIZ AND KOEPP-BAKERMOTIONED TO APPROVE THE RESOLUTION FOR QUAIL MEADOWS.**

**THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE:  
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**COMMISSIONERS MONIZ AND KOEPP-BAKERMOTIONED TO APPROVE THE RESOLUTION FOR MADRONE PLAZA WITH VERIFICATION THE BMR REDUCTION PROGRAM DATES IN PARAGRAPH 14 ARE CONSISTENT WITH THE EXTENSION APPROVED BY THE CITY COUNCIL.**

**THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE:  
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**3) ZONING  
APPROVAL  
AMENDMENT,  
ZAA-04-21 &  
SUBDIVISION  
AMENDMENT:  
SDA-09-05: E.  
DUNNE-JASPER  
PARK:**

A request to amend the precise development plan and subdivision approval for the Jasper Park project, consisting of an 8 acre area located on the south side of East Dunne Ave., 100 ft. west of the San Benancio Way intersection. The requested amendments include adjustment to the lots sizes, open space and incorporation of single family detached homes. (APN 817-11-038 & 817-11-017)

Linder presented her staff report and stated that it was just discovered that there are three different choices as to what size the units actually are. Until we understand and can clarify the exact sizes of the units and the FAR, staff is asking for the item to be tabled.

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Benich: Can you verify whether the elimination of the small park will have any effect on the point scoring?

Linder: No, it won't because the main park area more than carries the project for size and scoring of points.

Mueller opened and closed the floor to public comment.

**COMMISSIONERS KOEPP-BAKER AND MONIZ MOTIONED TO TABLE THE ITEM.**

**THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE:  
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**4) USE PERMIT,  
UP-10-07:  
TECHNOLOGY-  
MIND BODY  
MOTION:**

A request for approval of a conditional use permit to operate a holistic health and fitness center in an existing industrial building located at 18450 Technology Drive in a Planned Development (Light Industrial) Zoning District (APN 726-31-023).

Tolentino presented her staff report.

Mueller: Should the state certification requirement be part of the use permit, in addition to the business license?

Tolentino: Exhibit A.1. states, "Only State of California Certified Massage Therapists shall be allowed to provide massage therapy under the Mind Body Motion business license."

Mueller: So if the business license is lost, is that enough to also revoke the Use Permit?

Tolentino: I believe so, but we could expand the language in the Use Permit so the condition applies to any establishment operating under the use permit.

Benich: I question that requirement. This is not just a massage therapy business. This is a holistic health center for pain management where massage is probably just a small part of the practice.

Mueller opened the floor to public comment.

Luis Ponce, owner of Mind Body Motion, appeared.

Koepp-Baker: Are you a state certified massage therapist?

Ponce: No, one of my contractors is. I have been in this business for 25 years. Massage therapy is just one of the techniques we use. One contractor is already certified. But the State has a backlog because everyone is trying to get certified now.

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Koepp-Baker: How many people will be licensed and how long will that take.

Ponce: One is already certified. It will take 30-60 days for the rest of us to get our licenses.

Benich: Do you use physical therapy techniques also?

Ponce: Yes. We have a very specific protocol and we have been very successful in helping people. We deal with range of motion and chronic pain. People fly in from out of state for our services.

Mueller: How long have you been at this location?

Ponce: We have been there for a couple of years. We had already moved in before we found out we were in the wrong zoning and needed a conditional use permit. There was a change in city staff, we did not follow up, and it fell through the cracks.

Mueller closed the floor to public comment.

Tanda: I am confused about the chain of events.

Tolentino: We could not approve the business license because the business was not approved for that zoning. A letter was sent informing the business owner that a conditional use permit would be required. There were some staffing changes. Eventually, Mr. Ponce came in to finalize the Conditional Use Permit in order to get his business license.

Benich: I withdraw my earlier concerns.

Mueller: I think that the last sentence in A.1 of Exhibit A should be broadened by removing reference to Mind Body Motion.

**COMMISSIONERS BENICH AND TANDA MOTIONED TO APPROVE  
THE CONDITIONAL USE PERMIT WITH THE MODIFICATION TO THE  
LANGUAGE AS PROPOSED.**

**THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE:  
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

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### OTHER BUSINESS:

- 5) **BORELLO SITE  
PLAN REVIEW:** The Commission is asked to give direction and comment on new project design features and their possible affect on the Cochrane-Borello RDCS project score.

Linder presented her staff report and stated that the project consists of 120 acres with 244 units, and has a very unique design.

Rowe: There is concern about the gated community and the precedent it might establish for future projects. One possible consideration is to leave the gates open during the day and only close them at night. Staff would like direction from the commission.

Linder: Special considerations are: 1) Is the loss of the connection offset by the maintenance of the streets? 2) Is it okay to have a hybrid of the street standards? 3) Can the private storm drain meet the intent of the public works requirements? 4) Can we allow for flexibility of the 12,000 sq. ft. minimum lot standard? 5) Can the BMRs be eliminated in exchange for larger lots, paying double the TDC fee and providing 20% granny units? As it is proposed, is this project worthy of flexibility due to the design?

Mueller called for a break at 8:06 pm and reconvened at 8:16 pm.

Keopp-Baker: Will there be any cost savings to the city for the storm drains as requested, as far as private streets instead of public streets?

Bjarke: Anywhere from \$1,500 to \$2,000 per year per mile.

Benich: Could I come in and use the park and paths if I'm not a resident of the subdivision?

Linder: Yes.

Mueller: Would that have to be recorded as some sort of public access easement?

Linder: Yes.

Tanda: Can you explain the significance of the RDCS scoring for this project?

Linder: They have secured 60 building allocations. They could get 15 ongoing allocations each year hereafter. Or they could choose to compete again if they want more than the 15 allocations for an ongoing project. This project is quite different than other projects. The existing criteria doesn't cover some of the requested design features. Do the changes that they're requesting affect their scoring, and are they maintaining those totals? Is the same level of quality and commitment maintained? If not, is there flexibility because of other things they're doing?

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Rowe: It is possible that if some points are diminished in one area, they could be made up in other evaluation categories.

Linder: I am asking for consideration of the intent from the Planning Commission.

Benich: If a project asks for a change, and it affects the points they originally scored under RDCS, and the change resulted in fewer points, but it wouldn't have changed their standing in comparison to another project, would it matter?

Linder: It would if that's what they committed to do.

Mueller: We have never allowed point scoring to go down. If you lose a point, you have to make it up somehow.

Tanda: Is that just a practice, or is it a rule?

Rowe: It is part of the RDCS implementation policies and it is grounds for a revocation of the award of allocations.

Mueller: Is Public Works open to this idea?

Bjarke: We're generally supportive of private streets, but utilities are a separate matter. We would like to stick to the widths that are established in the ordinance.

Mueller: What about the substructure?

Mueller: With respect to the streets and storm water runoff, we would support more of a filtration system also. But it would have to be designed properly.

Rowe: It would be our recommendation that the paving depth should be the same as public streets.

Moniz: Is there any direction in the General Plan as to gated communities?

Linder: I did not find anything.

Mueller: There are two gated communities in Morgan Hill. One is a senior project behind the Mormon church. Another one is at the eastern end of Easy Street. They're both a lot smaller than this project.

Mueller opened the floor to public comment.

Mike Fletcher appeared on behalf of the applicant.

Fletcher: We are trying to create a special community with San Sebastian. A team was formed to bring forward the Borello family's vision. Many of the Borello families plan to move into this subdivision. We have increased the open space, created meandering paths and side entry product to increase the number of granny units. Privatization of the street is very important for this project and creates the



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following benefits: It reduces the cost to Public Works. It allows for turnarounds, for security gating to increase the value of the properties. It allows for the increased possibility of lending. It cleans water and eliminates detention basins. The enclave concept will allow a sense of community to thrive behind the gates. It creates safe neighborhoods. It reduces the number of driveways off the main streets. It approves the street scene by reducing visible garage doors. Much of what we're doing is more expensive to do. We're trying to create a better product and still work within the spirit of Measure C.

Koepp-Baker: I met with the developer last week. I would like to know how many running miles of roadway there are, because I'm interested in cost offset for the city. I attended a conference with the League of Cities a few years ago, and this is the first community I've seen with any of the ideas incorporated into it that were presented at that conference, so I like the initial look. But I'm interested in how much it saves the city.

Fletcher: The storm drain can be a big problem with vegetation maintenance and cleaning. As homeowners, we are taking those costs on ourselves.

Tanda: Did you do the Las Palmas subdivision in Monterey?

Fletcher: I did. We started that project in 1987. So we have a history of trying to be very water conscious.

Monterey: Are those streets private or public?

Fletcher: They are all private except for the one that connects to another subdivision.

Tanda: In Monterey County, we require that virtually all subdivisions be private roads, unless they're arterials.

Benich: I also met with the developer last week. One concern with a project of this size is that it will add about 800 people (500 adults and 300 children) to the population. I am concerned about energy and water conservation. Have you addressed those issues?

Fletcher: Yes, we will be committed to doing everything we can to save water. As far as energy, we have also committed under Measure C to providing solar on every house.

Moniz: I also met with the applicant. Will the Fire Department be able to get access into this gated community?

Fletcher: Absolutely. There will be Knox boxes, etc. We will be working closely with fire and police. Everyone that needs access will have access.

Mueller: I met with the applicant also. Do you have any problem with the walkways being recorded as a public access easement?

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Fletcher: We would welcome it, but we would like it to be over the connecting points, not in the interior, especially near the recreation center.

Mueller: That's right on the main trail.

Fletcher: It is a little cumbersome to do, but we will do that if that is what you want.

Mueller: Will the roads be built to public standards?

Fletcher: Yes, they will exceed public road standards.

Mueller: There is a difference in the lot size that was mentioned by you and what is stated in the report. Which is correct?

Chris Borello, the applicant, appeared and stated that the average lot size is 15,174.

Borello: Regarding the park, originally, it was around 13 or 14 acres. We have increased that to over 16 acres. Regarding the minimum 12,000 square foot lot RDCS criterion, we are requesting flexibility to: 1) make housing more affordable for all homeowners, rather than having to finance the cost of BMRs through an increased price of the market rate homes; 2) to remove BMR units from large lot subdivisions, thereby creating a more consistent looking project; and 3) the City of Morgan Hill RDA has conveyed to us that they would rather receive double the TDC fees to be used for gap financing and down payment assistance, than have the BMRs; and 4) granny units provide affordable housing and this project guarantees 20 percent of the units to be granny units and provides the option for another 20 percent to have granny units. Our profit margin actually decreases by paying the fees and not building the BMRs.

Tanda: Regarding the 7.2 million divided by the 244 units, is it \$30,000 each?

Borello: It is double the standard mitigation fee for each BMR that would have been built, but it is financed over 12 years.

Mueller: Can you explain the table you gave us?

Borello: The table indicates that the lots in light blue can be bumped up to 12,000 sq. ft. Of the 49 that are below 12,000 sq. ft., we are confident that we can make them 10,000 sq. ft. None of that will come from open space. It would be accomplished by reconfiguring the roads a little bit.

Mueller: But that will lower the average lot size?

Borello: It will be the same. I will make the commitment for the average lot size to be 15,000 sq ft.

Moniz: How many granny units are part of the original plan?

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Borello: We originally committed to 36 granny units but we've increased that to 49. And we're adding an option for a granny unit on another 20 percent of the lots.

Mueller: How many of the homes are single story?

Borello: Over 50 percent.

Mueller: How many of the units have "full access"?

Linder: The project did commit to 25 percent of the dwellings being "visitability accessible" units.

Moniz: To clarify, you currently have committed to 49 granny units and you think you can provide another 49?

Borello: Yes.

Tanda: If there are that many granny units, isn't that a multiple family neighborhood?

Rowe: We have found that most granny units are not rented out.

Tanda: So then they shouldn't count as BMRs—they only make it nicer for the families.

Borello: But they are providing housing and it is affordable housing and it counts toward RHNA numbers.

Rowe: The only way we can count the buyer-option units toward regional housing would be if they include a full kitchen. 49 units would have to provide a full kitchen; the other 49 would not.

Moniz: Do you foresee the HOA having any restriction on renting the granny units?

Fletcher: No.

Tanda: Your proposal includes a lot of driveway surface. Have you looked at permeable surfaces to reduce the runoff?

Fletcher: We have looked at that, but we're not ready to commit to that yet. We will be definitely looking at options, such as a combination of concrete, pavers and permeable surfaces, to create a high end product.

Dick Oliver of Alicante Estates appeared.

Oliver: Previously, the Alicante Estates project had serious objections to the access through its subdivision. We will now support the change because it doesn't allow access through the Alicante project.

Mueller closed the floor to public comment.

Mueller: I suggest we discuss each of the six items individually.

**Private Streets.**

Benich: I think it seems like private streets would be a good idea.

Koepp-Baker: I have no problem with it.

Moniz: It seems like with the street design, the cost savings and the water treatment it would be an improvement.

Tanda: I would like to see something formal from Public Works.

**Street Standards.**

The commissioners indicated consensus of approval.

**Gated Community.**

Benich: On one hand it is elitist. On another hand, from an economic standpoint for this type of a high-end community it might be desired by the residents. But the compromise is that it has public access to the parks and paths, so I think it is okay.

Koepp-Baker: I have no problem.

Moniz: It's not a negative impact to the city and it could be a benefit.

Tanda: These may be good ideas. But we may also be setting precedent by allowing them, so I would like an assessment from staff.

Mueller: I think it might be a good idea to establish some guidelines where we would allow gated communities.

Benich: I don't see that there will be that many more opportunities in this city for a gated community such as this.

Rowe: As it applies to this specific project, it seems there is consensus that a gated community would be okay?

Tanda: If people ask why this project is gated, we need to be able to answer why and give clear reasons. I think it's a little on a slippery slope. I was in a community in Newport Beach where every subdivision seemed to be gated. It was very uninviting. Morgan Hill is not like that so far. But I'm wondering how critical is it to gate the community?

Fletcher: To ask the homeowners to pay for all those things that are typically covered under property taxes, without any benefits, makes it very important to gate

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the community. The HOA dues are going to be more than Alicante's. So it's absolutely critical. If you take away the gate, you take away the concept.

Mueller: I can see a potential issue with the county park being so close, that without a gate people would park in the subdivision to access the park. Homeowners in other subdivisions such as Alicante have already complained about that.

Fletcher: If we have to wait for guidelines, we will put this project on hold because it's very important for the design process. We can't go forward until we know.

Tanda: I think that these might be good ideas, but for consistency, I think we need guidelines and criteria.

Mueller: I believe we have consensus to allow the gates, with the implementation of some guidelines.

### **Storm Drain.**

Mueller: My concern is that we meet all the new water conservation guidelines, but conceptually I don't have a problem with this. Are we losing points here?

Linder: It is a point issue because it's not in a public easement, but it's not on private property, so I think it is consistent with the intent of the criterion.

Tanda: What is the rationale?

Linder: The requirement is that storm drains be placed in public easements. That was to avoid the disputes and problems that arise when storm drain pipes run through back yards. The city wants to have access.

Rowe: This accomplishes the same objectives but the homeowners will maintain the streets, which is a bonus.

Moniz: This seems to be doing what the state wants regarding water conservation, and we shouldn't get in the way of that.

The commissioners indicated consensus.

### **Lots less than 12,000 sq ft.**

Benich: I think we should require the developer to do what they committed to do. How many lots would be less than 12,000 sq. ft?

Borello: There are going to be 49 lots that are between 10,000 and 12,000 sq. ft.

Mueller: We have to be very careful, because we're setting precedent. We have an RDSC point criterion that states that every lot must be above 12,000 sq. ft. and that's what they committed to do to get the point. If you don't meet it, you lose points. Otherwise, we need to revise the criterion.

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Tanda: Why did we pick 12,000 square feet as the minimum lot size, rather than 10,000, or 11,000? Those would all be large lots.

Mueller: Because the zoning is R-1, 12000, or quarter-acre lots. There is no way for them to make up the 16 points if they don't maintain those sizes.

Koepp-Baker: This is a very new concept. We don't have anything that approximates it. Nothing else provides this much green space, with the exception of Mission Ranch and Alicante. So if there are 49 10,000 sq foot lots, could we make that exception considering all the open space provided?

Benich: By eliminating the BMRs, it changes the complexion of this project and maybe that's how we make the exception.

Mueller: But the RDCS requires that points don't drop and that the lots be a minimum of 12,000 sq. ft. If we're going to make an exception, we have to decide under what circumstances.

Koepp-Baker: Is there any way to make allowances?

Rowe: The criterion could be amended. But you have to be clear under what circumstances, and what the new limits will be. And you have to take into consideration what has been done in the past and what will be requested in the future.

Mueller: If there's going to be an exception, the rules would have to be very clear. Maybe it could be that the number of BMRs that are eliminated could be the number of lots allowed to have smaller lot sizes.

Moniz: Considering the benefits that could be derived from the project, should we stop the project because of the smaller lot size? Because I think we all agree that paying the double mitigation fee is more beneficial than the BMRs. 10,000 sq. ft. or 12,000 sq. ft. would still be estate residential.

Tanda: How many acres of open space are there? You would need at least 2 acres to meet the same average lot size.

Fletcher: 16.5 acres. By not doing BMRs, by increasing the mitigation fee, by increasing the number of granny units, and by not cutting the open space, we think we have achieved the proper balance.

Koepp-Baker: Every single lot is surrounded by open space. If we take the time to shave 200 square feet off all the other lots to accomplish this, the project won't get going for another three years. Is there any way to do this?

Linder: If you do want to entertain an exception, you need to set parameters, such as limiting it to no more than the number of BMRs. My recommendation would be that no more than 20 percent could fall below the 12,000 square foot lot size. And

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10,000 sq. ft. would be the minimum.

Mueller: I think that 20 percent is way too much because I am worried about setting precedent.

Koepp-Baker: Do you foresee this type of project anywhere else?

Mueller: Yes. It could happen in the Southeast Quadrant and elsewhere.

Koepp-Baker: Could a BMR equivalent work, or 13 percent work?

Fletcher: My opinion is that it is too low.

Mueller: We need to entertain making an exception to the RDCS criterion. We need to set a limit on the percentage. I would probably prefer the BMR limit. We need to set a minimum lot size. But I think we also need to keep the percentage as small as possible. I believe this project could be kept to less than 20 percent.

Koepp-Baker: How much less would we agree to?

Mueller: To get around future RDCS, we would have to find an exception for this project due. This project has a lot of easements surrounding and cutting through it. I think we could use those easements for this project to get that exception. I think it needs to be kept below 20 percent, but I'm not saying exactly how much.

Moniz: So we're making it clear that we like the project, but we're not establishing the exception tonight.

Koepp-Baker: Can we arrive at wording that satisfies that?

Linder: Yes, we can. We can memorialize that language as part of the PD resolution to Council and the approval of the tentative map.

Mueller: So we've agreed we'll allow them to go with something smaller than 12,000 sq ft, but we'd like it to be less than 20 percent of the units and we'll need to establish the language for an exception to the RDCS criterion.

The commissioners indicated consensus.

### **Density Transitions.**

The commissioners indicated consensus.

### **Conclusion.**

Tanda: Terry, can you recap?

Linder:

1. Consensus on private streets, but try to gain a point somewhere else by looking at street connections.
2. Consensus on street standards, but the project needs to meet the same

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- construction standards and same R-values, and determine cost savings.
3. Consensus on gating, with the caveat that policy needs to be established for rationale on gating and for future situations.
  4. Consensus, with the requirement to meet new water quality standards and that storm drains be in the common space.
  5. Amend RDCS criteria in the future with limits on size and number that are below 12,000 sq ft. But allow for this exception due to the unique circumstances of the easements running through the property providing for extra open space, and keeping the exceptions to under 20 percent and trying to meet 12,000 sq ft lots as closely as possible.

Mueller: Chris, can you live with these guidelines?

Borello: I believe so, but I'm uncertain about the requirement that less than 20 percent of the lots be below 12,000 sq ft. I'm nervous about that because we were already pushing the envelope at 20 percent.

Mueller: We're saying to go try. Because I don't know of any other project that has gone through RDCS and then come back with this level of design changes, that we have still allowed to move forward.

Borello: Thank you for the opportunity to move forward.

### **6) RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) THIRD QUARTERLY REPORT FOR 2010:**

Quarterly review of the progress of residential projects that have been awarded building allocations under the City's Residential Development Control System.

Rowe presented his staff report.

Mueller: It should be pointed out that several projects—Diana-EAH, E. Main-Ahlin and the senior project—are going to be impacted by the high speed rail (HSR).

Rowe: Three projects—E. Dunne Mendoza, Campoli-E&H, and Monterey-Liou—have had absolutely no activity and were sent reminder letters about the deadlines and entitlement process.

Mueller: If they have not done anything by the next quarter, we should consider bringing them in before the commission, because I've heard that the banks are starting to release financing.

Rowe: That would be the intent. But there has also already been some attrition occurring.

### **THE COMMISSIONERS ACCEPTED THE REPORT.**

### **ANNOUNCEMENTS/ COMMISSIONER IDENTIFIED ISSUES**

The next meeting is November 30<sup>th</sup>. There is Brown Act training tomorrow night.

Mueller: Is that the same as ethics training?



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Rowe: No, it is separate. You need to have both.

Mueller: I thought we had asked for the notice of preparation for the Southeast Quadrant to be put on the agenda?

Rowe: That depended on how full the agenda was, but the preference would be to provide input through the scoping meeting that is coming up in a few days.

**CITY COUNCIL  
REPORTS**

The Council had a workshop on Wednesday on the preferences for the alignment of the HSR. One alignment is to run adjacent to the railroad tracks. The other is to align with Highway 101, with some deviations. The visual and noise impacts are the major concerns.

**ADJOURNMENT**

Noting that there was no further business for the Planning Commission at this meeting, Chair Mueller adjourned the meeting at 10:42 p.m.

**MINUTES RECORDED AND TRANSCRIBED BY:**

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**ELIZABETH BASSETT, Development Services Technician**